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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,541	12/12/2003	Kenji Shiraishi	1536	9699
4518	7590	06/06/2006	EXAMINER	
ROBERT W. J. USHER PATENT AGENT 1133 BROADWAY, #1515 NEW YORK, NY 10010				PHAM, MINH CHAU THI
		ART UNIT		PAPER NUMBER
				1724

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,541	SHIRAISHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh-Chau T. Pham	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6-11 and 13-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 6-11 and 13-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11 and 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by either Knight et al (3,527,027) or Seibert et al (4,231,768).

Knight et al teach a gas filter for removing oil mist from a gas comprising a cylindrical case (13) and a filter element (7) provided inside the cylindrical case (13), an inlet (2), an outlet (3) (see col. 3, lines 14-17) wherein the air stream coming from the gas inlet (2) through the inside hollow of the filter then flowing out through the filtration layers (col. 1, line 66 through col. 2, line 8), wherein the first filtration having inner layer of glass paper (col. 3, lines 21-22) inside a porous plastic sheath (col. 3, line 23) (see Fig. 1). The fact there is another filter (9) does not exclude Knight from being a 102, as it is gas filter comprising (open ended language allows other elements to be present besides what is claimed). Knight et al further teach the filter medium has a wetting ability (col. 2, lines 33-37).

Seibert et al teach a gas filter for removing oil mist from a gas comprising a cylindrical case (15) and a filter element (7) provided inside the cylindrical case (15), an inlet (5), an outlet (29) (see details of Fig. 3, col. 6, lines 34-42) wherein the air stream coming from the gas inlet (15) through the inside hollow (6) of the filter (7) then flowing out through the filtration layers (see Fig. 3), wherein the first filtration (CO) having glass

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fibers (col. 6, lines 50-55) and the second filtration (ST) having synthetic or natural fibrous materials (col. 7, line 54 through col. 8, line 10, col. 8, lines 45-55, col. 9, lines 27-50) or outer sheath (col. 9, lines 63-68), and these filtration layers can remove particles as small as 0.1 microns (col. 9, lines 26-39).

### ***Response to Arguments***

Applicant's arguments filed on May 19, 2006 have been fully considered but they are not persuasive.

Applicant argues that the none of the cited prior arts Pieciak, Kahlbaugh and Shimoda discloses multiple filtration layers in a gas filter for removing oil mist from a gas apparatus with the first layer being a glass paper and the second layer being nonwoven fabric. The Examiner now drops all of the cited prior arts and newly introduces Knight et al (3,527,027) and Seibert et al (4,231,768) as the primary references under the 102(b) rejections to show:

Knight et al teach a gas filter for removing oil mist from a gas comprising a cylindrical case (13) and a filter element (7) provided inside the cylindrical case (13), an inlet (2), an outlet (3) (see col. 3, lines 14-17) wherein the air stream coming from the gas inlet (2) through the inside hollow of the filter then flowing out through the filtration layers (col. 1, line 66 through col. 2, line 8), wherein the first filtration having inner layer of glass paper (col. 3, lines 21-22) inside a porous plastic sheath (col. 3, line 23) (see Fig. 1), as claimed. The fact there is another filter (9) does not exclude Knight from being a 102, as it is gas filter comprising (open ended language allows other elements

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to be present besides what is claimed). Knight et al further teach the filter medium has a wetting ability (col. 2, lines 33-37), as claimed.

Seibert et al teach a gas filter for removing oil mist from a gas comprising a cylindrical case (15) and a filter element (7) provided inside the cylindrical case (15), an inlet (5), an outlet (29) (see details of Fig. 3, col. 6, lines 34-42) wherein the air stream coming from the gas inlet (15) through the inside hollow (6) of the filter (7) then flowing out through the filtration layers (see Fig. 3), wherein the first filtration (CO) having glass fibers (col. 6, lines 50-55) and the second filtration (ST) having synthetic or natural fibrous materials (col. 7, line 54 through col. 8, line 10, col. 8, lines 45-55, col. 9, lines 27-50) or outer sheath (col. 9, lines 63-68), and these filtration layers can remove particles as small as 0.1 microns (col. 9, lines 26-39), as claimed.

Applicant's arguments with respect to claims 1-4, 6-11 and 13-22 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached at (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit : 1724**  
**June 2, 2006**